

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:13-CV-485-RJC-DCK**

RAYMOND A. JOHNSON,

Plaintiff,

v.

SCOTT CLARK HONDA, et al.,

Defendants.

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ORDER

THIS MATTER IS BEFORE THE COURT on *pro se* Plaintiff Raymond A. Johnson's "Motion For Sanctions" (Document No. 32) filed November 8, 2013. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and, applicable authority, the undersigned will deny the motion.

By the instant motion Plaintiff seeks sanctions against Danielle J. Hayot, counsel for Defendant EEOC. (Document No. 32). Plaintiff appears to argue that sanctions are appropriate because Ms. Hayot allegedly filed a certificate of service on October 31, 2013 "with fraudulent intent malpractice obstructing of justice premeditated intent." Id.

The undersigned observes that Ms. Hayot filed a "Motion To Dismiss Of Defendants EEOC And Reuben Daniels, Jr." (Document No. 26) on October 31, 2013, and then Ms. Hayot filed an Amended "Motion To Dismiss..." (Document No. 27) on November 7, 2013. As such, the Clerk of Court terminated the original "Motion To Dismiss Of Defendants EEOC And Reuben Daniels, Jr." (Document No. 26) on November 7, 2013. Based on this record, the Court issued an "Order" (Document No. 28) on November 7, 2013, directing Plaintiff to "file a

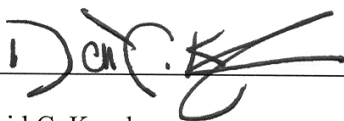
response to the pending Amended “Motion To Dismiss Of Defendants EEOC And Reuben Daniels, Jr.” (Document No. 27) on or before **November 25, 2013.**”

Because Ms. Hayot’s October 31, 2013 filing has been terminated, and replaced by an amended filing, the undersigned has determined that the pending motion to sanction Ms. Hayot based on that October 31, 2013 filing is moot. Moreover, the undersigned is not persuaded that Plaintiff has shown good cause for sanctions, or that he has suffered any prejudice, based on the October 31, 2013 filing. At most, it appears Ms. Hayot may have erred in the timing of her service of Document No. 26, an error that appears to have been corrected by the filing of Document No. 27.

Judge Conrad has previously admonished Plaintiff for filing frivolous motions, and warned that the further filing of frivolous documents in this Court may lead to sanctions. (Document No. 18). The undersigned finds that the instant “Motion For Sanctions” comes very close to violating Judge Conrad’s warning against frivolous motions.

IT IS, THEREFORE, ORDERED that Plaintiff Raymond A. Johnson’s “Motion For Sanctions” (Document No. 32) is **DENIED.**

Signed: November 12, 2013



David C. Keesler
United States Magistrate Judge

